

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION

MDL No. 2419  
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**DECLARATION OF THOMAS M. SOBOL  
IN SUPPORT OF PLAINTIFFS' STEERING COMMITTEE'S MOTION  
FOR DISTRIBUTION OF COMMON BENEFIT FEES AND EXPENSES**

I, Thomas M. Sobol, hereby state under oath as follows:

1. I am a member of the bar of the Supreme Judicial Court of Massachusetts and the United States District Court for the District of Massachusetts. I am a partner with the law firm of Hagens Berman Sobol Shapiro LLP. This Court has appointed me and Kristen A. Johnson Lead Counsel for the Plaintiffs' Steering Committee in this matter, *In re New England Compounding Pharmacy, Inc. Prods. Liab. Litig.*, MDL No. 2419, C.A. No. 13- md-2419-RWZ (D. Mass.).

2. I provide this declaration in support of the Plaintiffs' Steering Committee's Motion for Distribution of Common Benefit Fees and Expenses.

3. Attached hereto as Exhibit A is a true and accurate copy of the PSC Recommended Fee Chart.

4. Attached hereto as Exhibit B is a true and accurate copy of the PSC Recommended Expense Chart.

5. Attached hereto as Exhibit C is a true and accurate copy of the Findings of Fact, Conclusions of Law and Order Confirming the Third Amended Joint Chapter 11 Plan of New

England Compounding Pharmacy, Inc., *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. May 20, 2015), Bankr. ECF No. 1355.

6. Attached hereto as Exhibit D is a true and accurate copy of the Omnibus Application by Certain Professionals and Their Constituents for Allowance and Payment of Administrative Expense Claims (omitting attachments), *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Aug. 3, 2015), Bankr. ECF No. 1415.

7. Attached hereto as Exhibit E is a true and accurate copy of Brown Rudnick LLP's First and Final Application Seeking Approval of Compensation for Fees and Reimbursement of Expenses (for the Period January 18, 2013 through June 4, 2015) (omitting attachments), *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Aug. 3, 2015), Bankr. ECF No. 1414.

8. Attached hereto as Exhibit F is a true and accurate copy of Notice of Amendment to Omnibus Application by Certain Professionals and Their Constituents for Allowance and Payment of Administrative Expense Claims (omitting attachments), *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Sept. 1, 2015), Bankr. ECF No. 1530.

9. Attached hereto as Exhibit G is a true and accurate copy of the Motion (I) to Allow Withdrawal, with Reservation of Rights, of Omnibus Application by Certain Professionals and Their Constituents for Allowance and Payment of Administrative Expense Claims, and (II) for Cancellation of Hearing, *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Oct. 19, 2015), Bankr. ECF No. 1607.

10. Attached hereto as Exhibit H is a true and accurate copy of the Summary of First and Final Application of Paul D. Moore, in His Capacity as Chapter 11 Trustee of New England Compounding Pharmacy, Inc., for Final Allowance of Commission and Reimbursement of Expenses (omitting attachments), *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Aug. 3, 2015), Bankr. ECF No. 1420.

11. Attached hereto as Exhibit I is a true and accurate copy of the Summary of First and Final Application of Duane Morris LLP, Counsel to Paul D. Moore, Chapter 11 Trustee of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Company, for Final Allowance of Compensation and Reimbursement of Expenses (omitting attachments), *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Aug. 3, 2015), Bankr. ECF No. 1413.

12. Attached hereto as Exhibit J is a true and accurate copy of the Plaintiffs' Steering Committee's Limited Opposition to Paul D. Moore's Application for Fees and Expenses in His Capacity as Chapter 11 Trustee [ECF No. 1420], *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Sept. 22, 2015), Bankr. ECF No. 1560.

13. Attached hereto as Exhibit K is a true and accurate copy of the Memorandum of Decision regarding Trustee compensation, *In Re New England Compounding Pharmacy, Inc. (Debtor)*, 12-br-19882-HJB (Bankr. D. Mass. Jan. 15, 2016), Bankr. ECF No. 1674.

14. Attached hereto as Exhibit L is a true and accurate copy of MDL Order No. 3: Order Concerning Sharing and Funding of Plaintiffs' Pretrial Expenses and Costs, *In re New England Compounding Pharmacy, Inc. Prods. Liab. Litig.*, 13-md-2419-FDS (D. Mass. Apr. 11, 2013), ECF No. 85.

15. Attached hereto as Exhibit M is a true and accurate copy of MDL Order No. 8:  
Establishing Assessment for Common Benefit Fund, *In re New England Compounding  
Pharmacy, Inc. Prods. Liab. Litig.*, 13-md-2419-RWZ (D. Mass. Aug. 12, 2014), ECF No. 1333.

Executed this 27th day of September, 2016 under the pains and penalties of perjury.

/s/ Thomas M. Sobol  
Thomas M. Sobol